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12 ATTORNEYS FOR DEFENDANT

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 CASE NO. 2:15-cr-00071-JAD-GWF

17 Plaintiff,

18 vs.

19 ROBERT KINCADE, et al.,

20 **STIPULATION AND ORDER TO**  
21 **EXTEND DEADLINE TO FILE**  
22 **OBJECTIONS TO REPORT AND**  
23 **RECOMMENDATION**

24 Defendants.

25 IT IS HEREBY STIPULATED AND AGREED, by and between Alexandra Michael,  
26 Assistant United States Attorney, counsel for the United States of America, and Robert Kincade, and  
27 his counsel Kevin R. Stolworthy, that the deadline to object to the Magistrate Judge's Report and  
28 Recommendation at ECF No. 238 be extended to February 7, 2017 for the following reasons:

29 1. On January 5, 2017, Kevin Stolworthy, Esq. was appointed as counsel of record for

30 Mr. Kincade with respect to Count One only of the Third Superseding Indictment in this case. ECF  
31 No. 243.

32 2. Count One pertains to an alleged September 12, 2011 robbery of a City National Bank  
33 in Las Vegas, Nevada.

34 3. Mr. Kincade is currently being represented by Kathleen Bliss, Esq, on the remaining  
35 Counts contained in the Superseding Indictment.

1       4. Count One has been severed from the remaining Counts contained in the Third  
2 Superseding Indictment, and trial is currently scheduled for Count One only on March 28, 2017 at  
3 9:00 a.m. ECF No. 214.

4       5. Trial is scheduled on the remaining Counts on February 28, 2017 at 9:00 a.m. ECF  
5 No. 165.

6       6. Prior to Mr. Stolworthy's appointment in the case, on December 29, 2016, the  
7 Magistrate Judge issued a Report and Recommendation denying Mr. Kincade's Motion to Dismiss  
8 Second Superseding Indictment [ECF No. 169]. *See* ECF No. 238.

9       7. Objections to this Report and Recommendation are due within 14 days of December  
10 29, 2016.

11       8. The Parties agree that because Mr. Stolworthy was just appointed in this case, has not  
12 yet obtained the file from former counsel Todd Leventhal, Esq., and has not obtained a transcript of  
13 the hearing held on Mr. Kincade's Motion on December 14, 2016, *see* ECF No. 224, that an  
14 extension of time to February 7, 2017 of the deadline to object to the Report and Recommendation at  
15 ECF No. 238 is appropriate.

16       9. The Defendant is incarcerated and does not object to the continuance.

17       10. The additional time requested herein is not sought for purposes of delay.

19 DATED January 5, 2017

DATED January 5, 2017

20 DANIEL BOGDEN  
21 United States of America

ARMSTRONG TEASDALE LLP

22 By: /s/Alexandra Michael  
23 ALEXANDRA MICHAEL  
24 Assistant U.S. Attorney  
Counsel for the Plaintiff

By: /s/Kevin R. Stolworthy  
KEVIN R. STOLWORTHY  
CONOR FLYNN  
Counsel for Defendant Robert Kincade

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
ROBERT KINCADE, et al.,  
Defendants.

CASE NO. 2:15-cr-00071-JAD-GWF

## **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On January 5, 2017, Kevin Stolworthy, Esq. was appointed as counsel of record for Mr. Kincade with respect to Count One only of the Third Superseding Indictment in this case. ECF No. 243.

2. Count One pertains to an alleged September 12, 2011 robbery of a City National Bank in Las Vegas, Nevada.

3. Mr. Kincade is currently being represented by Kathleen Bliss, Esq, on the remaining Counts contained in the Superseding Indictment.

4. Count One has been severed from the remaining Counts contained in the Third Superseding Indictment, and trial is scheduled for Count One only on March 28, 2017 at 9:00 a.m. ECF No. 214.

5. Trial is scheduled on the remaining Counts on February 28, 2017 at 9:00 a.m. ECF  
No. 165.

6. Prior to Mr. Stolworthy's appointment in the case, on December 29, 2016, the Magistrate Judge issued a Report and Recommendation denying Mr. Kincade's Motion to Dismiss Second Superseding Indictment [ECF No. 169]. *See* ECF No. 238.

7. Objections to this Report and Recommendation are due within 14 days of December 29, 2016.

8. The Parties agree that because Mr. Stolworthy was just appointed in this case, has not

1 yet obtained the file from former counsel Todd Leventhal, Esq., and has not obtained a transcript of  
2 the hearing held on Mr. Kincade's Motion on December 14, 2016, *see* ECF No. 224, that an  
3 extension of time to February 7, 2017 of the deadline to object to the Report and Recommendation at  
4 ECF No. 238 is appropriate.

5 9. The Defendant is incarcerated and does not object to the continuance.

6 10. The additional time requested herein is not sought for purposes of delay.

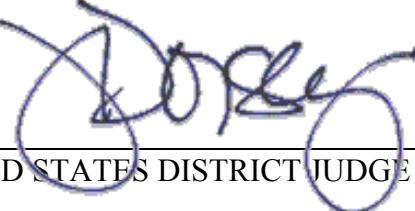
7 **CONCLUSIONS OF LAW**

8 The additional time requested herein is not sought for purposes of delay.

9 **ORDER**

10 IT IS THEREFORE ORDERED that the deadline to object to the Report and  
11 Recommendation at ECF No. 238 be continued to February 7, 2017.

12 DATED this 9th day of January, 2017.

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16 UNITED STATES DISTRICT JUDGE  
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